

the State depositories and the treasury, and the further fact that the present session of the Legislature will adjourn at an early date creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be, and the same is, hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

### SEVENTH DAY.

Senate Chamber,  
Austin, Texas, June 30, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senators Johnston, Woods, Hall, and Cousins were excused for today on motion of Senator McNealus.

Senator Buchanan of Bell for today on motion of Senator Hopkins.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Special Committee Report.

See Appendix.

Simple Resolution No. 11.

Whereas, the Hon. B. H. Great-house, a member of the State Senate of the Legislature of Arkansas, is in the Capitol; therefore, be it

Resolved, That he be extended the privilege of the floor of the Senate Chamber and be invited to address the Senate.

McNEALUS,  
DOROUGH,  
HOPKINS.

The resolution was read and adopted and the gentleman was conducted to the president's stand, and there addressed the Senate.

Bills and Resolutions.

By Senator Alderdice:

S. B. No. 40, A bill to be entitled "An Act to amend House Bill No. 500, an Act passed by the regular session of the Thirty-sixth Legislature of the State of Texas to create a more effective Road system for Hill County, Texas: making County Commissioners of said County ex-officio Road Commissioners, and prescribing their duties as such and etc., by adding to said Act, Section 5a, providing for the County Commissioners of Hill County to use their private automobiles in performing the duties devolved upon them by said Act, and providing that they shall be repaid out of any County or fund of County or Land District or the Road and Bridge Fund of said County for all expenses incurred by them in so using their private automobiles, and amending Section 10 thereof by striking out the word 'graduate' and inserting the words 'has voted, or' and the words, 'has issued,' or; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators McNealus, Caldwell:

S. B. No. 41, A bill to be entitled "An Act requiring persons handling pistols to secure a license therefor, to pay an occupation Tax thereon, and to keep a record of all pistol transactions, and providing penalties for violations of this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator McNealus:

S. B. No. 42, A bill to be entitled "An Act to standardize the guage of vehicles to be used on the Public Highways of this State and to regulate the manufacture, sale and use thereof, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McNealus:

S. B. No. 43, A bill to be entitled "An Act providing that freight charges on car loads of coal delivered at any point within the State of Texas, where railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based upon the actual weight of said coal, prescribing the manner of weighing such, providing a penalty for violation of any provisions of this Act; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Clark:

S. B. No. 44, A bill to be entitled "An Act to regulate Bakeries and Baker shops, to make same sanitary and etc., and fixing a penalty for violations of any provision thereof, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senators Caldwell, Parr.

S. B. No. 45, A bill to be entitled "An Act to appropriate certain sums of money out of the general funds of this State not otherwise appropriated for the fiscal years beginning September 1st, 1919, and September 1st, 1920, to be used for the purpose of inspection and eradication of citrus canker and of other dangerous diseases and pests now

threatening the destruction of the citrus industry in this State and in order to secure a like appropriation from the Federal Government for the same purpose and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Caldwell:

S. B. No. 46, A bill to be entitled "An Act to amend Chapter 94 of the laws passed at the regular session of the Thirty-sixth Legislature, being an Act approved on March 20, 1919, so as to make it the duty of the Commissioners' Courts to provide suitable places in the Court House for holding of the Justice Court in precincts containing 25,000 inhabitants or more located at the County seat, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Caldwell:

S. B. No. 47, A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange Court Reports, sessions, Acts and other publications of other States and of the United States and of foreign countries for the benefit of the Law Library of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Caldwell:

S. B. No. 48, A bill to be entitled "An Act to amend Article 1202 of the Code of Criminal Procedure of the State of Texas of 1911 as amended by Section 8 of Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature, approved April 2nd, 1913, and as amended by Chapter 91 of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to fix the salaries of Probation officers in this State, and to re-enact said Article as amended by said Section 8 of Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Caldwell:

S. B. No. 49, A bill to be entitled "An Act to amend Section 1 of Chap-

ter 159 of the laws passed at the regular session of the Thirty-sixth Legislature establishing a State Home for Dependent and Neglected Children so as to provide that the Lieutenant Governor shall be a member of the Board to select a site for said Institution, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Caldwell:

S. B. No. 50, A bill to be entitled "An Act making appropriation of \$185,000.00 to re-imburse the Board of Regents of the University of Texas for expenditures made at Camp Mabry, Texas and remaining on hand unpaid at the close of the war, out of the University Available fund in pursuance of Senate Concurrent Resolution No. 12 passed at the Fourth Called Session of the Thirty-fifth Legislature and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Dudley and Buchanan of Scurry:

S. B. No. 51, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 of Chapter 83 of the Acts of the Thirty-fifth Legislature, approved on the 16th day of March, 1917, as amended by Chapter 170 of the same session of the Legislature, which last Chapter was approved March 31, 1917, pertaining to the prospecting for and development of minerals in the public free school lands, University, Asylum and other public lands and waters, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Dean:

S. B. No. 52, A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, and adding thereto Section 17, providing for the extension of the terms of said commission from the last Saturday in June, 1920, until the last Saturday in June, 1922, for the appointment of judges for said ex-

tended term, and for an appropriation to carry out the purposes for this amendment, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Alderdice:

S. B. No. 53, A bill to be entitled "An Act to amend Section 2 of Chapter 54, House Bill No. 432 of the Special Laws of the State of Texas passed by the Regular Session of the Thirty-first Legislature and approved March 16, 1909, entitled 'An Act creating an independent school district in the County of Ellis, State of Texas, to be known as the Ferris Independent School District, more particularly defining its metes and bounds, and adding Section 2a thereto; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Dayton and Dudley:

S. B. No. 54, A bill to be entitled "An Act to establish and fix the salary of the Chairman of the Live Stock Sanitary Commission, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator McNealus:

S. B. No. 55, A bill to be entitled "An Act establishing a State Athletic Commission and regulating the art of boxing and sparring exhibitions or performances in the State of Texas."

Read first time and referred to Committee on Military Affairs.

By Senators Buchanan of Scurry, Hopkins and Dean:

S. B. No. 56, A bill to be entitled "An Act to lease islands, salt water lakes, bays, inlets, reefs and marshes owned by the State within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for the production of oil and natural gas; authorizing the Commissioner of the General Land Office to adopt necessary rules and regulations in relation thereto; prescribing the terms upon which leases may be issued; providing for the advertisement of the areas before they are leased; pre-

scribing the requirements for applications; providing for the recognition or abandonment of former surveys; prescribing how and when royalty shall be paid; appropriating the proceeds to the public free school fund and the Game, Fish and Oyster fund; creating a first lien in favor of the State; providing for off-set wells; providing against pollution of water and authorizing the Game, Fish and Oyster Commissioner to enforce rules against such pollution; providing that leases may be transferred or relinquished to the State; providing for forfeiture of leases if the owner should fail or refuse to comply with the law and rules and regulations adopted relative thereto; providing for opening of roads as ways of ingress and egress to and from leased areas; providing for the protection of valid rights heretofore acquired, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Westbrook:

S. B. No. 57, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the several institutions and departments of the government for the fiscal year ending August 31, 1919, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bailey:

S. B. No. 58, A bill to be entitled "An Act granting to the city of Rockport, Texas, all right, title and interest of the State of Texas to certain land lying and being situated under the waters of Aransas Bay; declaring such granted area to be the 'Rockport Shipping District' and defining the purpose for which same is to be used, granting to the said city of Rockport the right, power and authority to locate, construct, own and maintain within said granted territory such seawalls or breakwaters as may be necessary or desirable and to fill in the space between them and the mainland, and declaring all area formed by such filling in, to be the property of the city of Rockport; granting said city the right, power and authority to construct within such granted

area, such buildings, streets, slips, docks, terminals, wharves, dikes, piers, watering and loading and unloading facilities, tracks or other improvements, or make such excavations as may be deemed suitable or desirable in the building up and maintenance of the shipping industry of the port, providing for leasing such improvements and the use for which same might be leased, and providing for rentals therefor; granting said city the right, power and authority to maintain and operate within the granted area, loading and unloading facilities, warehouses, storage rooms, watering facilities and generally such machinery, structures and other improvements as may be necessary and proper in the development and maintenance of the shipping industries of the port, and to charge reasonable rates and rentals therefor; granting to said city the right, power and authority to grant franchises to any person, firm, corporation or association of persons for the construction and maintenance within such granted area of such buildings, slips, docks, terminals, wharves, piers, watering and loading and unloading facilities or other improvements and to carry on such business as might be incidental thereto, providing that no such franchise for any term of years shall be granted by said city unless submitted to a vote of the qualified tax paying voters of said city; reserving to the State the right at any time to place all piers, wharves and other improvements and the rates and charges thereon under the supervision of the Railroad Commission of the State of Texas; authorizing said city of Rockport to remove and abate any encroachment or structures existing on said property and to bring suit or suits as may be necessary to carry out the provisions of this Act; granting to said city the right of eminent domain; reserving all mineral rights to the State; providing that the granted area shall be patented to the city of Rockport upon proper showing that as much as \$50,000.00 has been expended upon improvements such as are contemplated by this Act; reserving to the State of Texas and to the United States the right to erect upon the lands within

the granted area such wharves, piers, structures, or other improvements for State or government purposes as may be authorized by law, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Clark:

S. B. No. 59, A bill to be entitled "An Act to exempt Colorado County from the provisions of Chapter 60, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, and to postpone the eradication of ticks in said County until January 1, 1922, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Buchanan of Scurry:

S. B. No. 60, A bill to be entitled "An Act to amend Section 3, Article 3889 of the Revised Civil Statutes of 1911, as amended by House Bill No. 449, Chapter 158 of the Regular Session of the Thirty-sixth Legislature of the State of Texas, fixing the maximum fees that may be retained by the county judge, sheriff, clerk of the county court, county attorney, clerk of the district court, collector of taxes, assessor of taxes, justice of the peace and constable in counties having a population of less than 25,000, providing that this Act shall not apply to counties with a population under twenty-five thousand, that constitute a separate judicial district, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Suiter:

S. B. No. 61, A bill to be entitled "An Act to amend Article 2909-(f), Title 48, Chapter 20 of the Revised Civil Statutes of the State of Texas so as to provide that any text-book contractor shall make a bond of twenty thousand dollars (\$20,000.00) for each basal text book adopted, and three thousand dollars (\$3,000.00) for each supplementary text book adopted; providing that the contract and bond shall be prepared by the Attorney General, payable in Travis County; providing that the bond may be sued upon from time to time; providing that the Text Book Commission,

may, upon twenty days' notice, require a new bond to be given."

Read first time and referred to Committee on Civil Jurisprudence.

#### Messages From the Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: At the request of Representative Horton I beg to submit for your consideration the following subject, to-wit:

"An Act creating and incorporating the Desoto Independent School District in Dallas County, Texas."

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: At the request of various members of the House and Senate, I beg to submit for your consideration the following subject, to-wit:

"An Act to amend Article 6923, Chapter 3, Title 119 of the Revised Civil Statutes of the State of Texas, 1911, providing that the Commissioners' Court in each county fix the amount to be collected by road overseers from road hands in lieu of service."

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: I beg to submit for your consideration the following subject, to-wit:

"An Act to amend Chapter 16 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as shown on page 26 thereof, and as amended by Chapter 58 of the same Legislature, as shown on page 103 thereof, relating to the creation of a Juvenile Board for certain counties in this State, and prescribing the duties and powers of such Board, including the appointment by it of probation officers, and providing for the payment of compensation for such

officers; and allowing the District Judges and County Judges composing such Boards additional salary for services so rendered, to be paid out of the general fund of such county; and repealing all laws in conflict therewith; and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

I beg to submit for your consideration the following subject, to-wit:

"A bill to be entitled 'An Act, to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, and adding thereto Section 17, providing for the extension of the term of said Commission from the last Saturday in June 1920, until the last Saturday in June 1922, for the appointment of Judges for said extended term, and for an appropriation to carry out the purposes of this amendment, and declaring an emergency.'"

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

I beg to submit for your consideration the following subject, to-wit:

"An Act to amend Article 1202 of the Code of Criminal Procedure of the State of Texas of 1911, as amended by Section 8, Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature, approved April 2, 1913, and as amended by Chapter 91 of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to fix the salaries of probation officers in this State, and to re-enact said Article as amended by Section 8 of Chapter 112 of the Thirty-third Legislature, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: I beg to submit for your consideration the following subject, to-wit:

"An Act to authorize and direct the Secretary of State to exchange court reports, Session acts, and other publications of the State for like publications of other States, and of the United States and of foreign countries, for the benefit of the Law Library of the University of Texas, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

At the request of Representative Childress, I submit for your consideration the following subject, to-wit:

"An Act to amend certain laws of the Thirty-third Legislature creating a more efficient road system for Falls County, Texas, etc."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session:

I submit for your consideration the following subject, to-wit:

"An Act to authorize the sale of certain lands and flats in and under the waters of Matagorda Bay, belonging to the State of Texas, adjacent and contiguous to the William Simpson League, in Matagorda County, Texas; to provide the conditions and terms of the purchase thereof and for the issuance of permits and patents therefor; to authorize the dredging, deepening, widening, and maintaining of channels through and across, or partially through and across, said lands and flats; prescribing the method of application and survey for the purchase of said lands and flats; and providing that from and after the filing of an application for the purchase of said lands and flats, the Commissioner of the General Land Office shall not receive any application for permit to

prospect for petroleum, oil or natural gas in, on or under the area or waters included in such application, or any part thereof, and that such Commissioner shall not grant any right to prospect for such minerals in, on or under said area, and providing that the State shall and does reserve all the minerals that may be within the area; and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

Gentlemen: I beg to submit for your consideration, the following subject, to-wit:

"An Act to amend Section 1, of Chapter 159 of the laws passed at the Regular Session of the Thirty-sixth Legislature, establishing a State Home for Neglected and Dependent Children, so as to provide that the Lieutenant Governor, instead of the Governor shall be a member of the Board to select a site for said institution, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

Gentlemen: In my message to your honorable body when it convened in Regular Session in January last, I recommended legislation which would give to the State the benefit of a classified public service based upon merit.

Earnestly believing that the time has come in the administration of the government of this State for the inauguration of an intelligent Civil Service System, I am herewith renewing the recommendation made to the Legislature at the Regular Session for the enactment of a law, which will seek to place all employment in the service of the State upon a basis of competency and individual merit.

The administration of the affairs of the State of Texas has come to require the service of so large a number of persons, many of whom must possess special qualifications

for the most efficient service, that it is manifestly wasteful and destructive to good public service, to continue longer the haphazard policy founded upon political favoritism in the selection of employees of the State.

Most of the States of the Union long since applied the merit system to their public service, and in each instance it is asserted that distinctly advantageous results have been procured both in the economy of the administration of the affairs of the State, and in the improved efficiency of the service.

The enactment of the so-called Board of Control Bill will mean a distinct departure in the old policy of administration in our eleemosynary institutions, placing their control, it is believed, under more intelligent business direction. In effecting this improvement in administrative methods, it will be found particularly desirable to provide that a large number of employees which will come under the control of this Board should be selected and retained upon the basis of individual qualifications for the performance of the duties assigned.

I cannot too strongly urge upon the Legislature the importance to the public service of well considered legislation calculated to place Texas in the front rank of the State applying tests of individual fitness to those who would enter its service. Efficiency in administration, economy in expenditures, and good public policy each call for the establishment in the State of a sound, practical Civil Service System.

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

At the request of Representative Cox, of Taylor County, I submit for your consideration the following subject, to-wit:

"An Act to amend Section 8, Chapter 139, of the General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its regular session, denominated 'an Act to create

the Eighty-eighth judicial district, etc.' "

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in  
Second Called Session:

At the request of Representatives  
Hall, Davidson, Kittrell and Murphy,  
I submit for your consideration the  
following subject, to-wit:

"An Act to amend Sections 2 and  
8, Senate Bill No. 312, Chapter 6; of  
the local and special Acts of the Reg-  
ular Session of the Thirty-fourth Leg-  
islature, creating the La Porte Inde-  
pendent School District, etc."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

Gentlemen: At the request of  
Representative Tidwell, I beg to sub-  
mit for your consideration, the fol-  
lowing subject, to-wit:

"An Act to amend Section 2 of  
Chapter 54, House Bill No. 432 of  
the Special Laws of the State of  
Texas, passed by the Regular Ses-  
sion of the Thirty-first Legislature  
and approved March 16, 1909, en-  
titled an Act creating an Independent  
School District in the County of El-  
lis."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

Gentlemen: At the request of  
Representative Osborn I beg to sub-  
mit for your consideration the fol-  
lowing subject:

"An Act to create and establish  
the Phenix Independent School Dis-  
trict in Kaufman County, Texas."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

At the request of Senator Dud-

ley, I submit for your consideration  
the following subject, to-wit:

"An Act to amend Sections 1, 2,  
3, 4, 5, 6, 7, 8 and 9, of Chapter 83  
of the Acts of the Thirty-fifth Legis-  
lature, approved on the 16th day  
of March, 1917, as amended by Chap-  
ter 170 of the same session of the  
Legislature, which last chapter was  
approved March 31st, 1917, pertain-  
ing to the prospecting for and de-  
velopment of minerals in the Pub-  
lic Free School Lands, University,  
Asylum, and other public lands and  
waters, repealing all laws in conflict  
with this Act, and declaring an emer-  
gency."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

At the request of Representative  
Horton, I submit for your considera-  
tion the following subject, to-wit:

"An Act to amend Section 1 of  
House Bill No. 606, Chapter 70, of  
the Special Laws of Texas, passed  
at the Regular Session of the Thirty-  
fifth Legislature of the State of  
Texas, and approved March 26, 1917,  
entitled: 'An Act creating and in-  
corporating the Wilmer Independent  
School District, Dallas County, Texas,  
etc.' "

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, June 28, 1919.  
To the Thirty-Sixth Legislature in  
Second Called Session:

In my message to your honorable  
body, when it convened in regular  
session in January last, I recom-  
mended legislation which would give  
to the State the benefit of a classified  
public service based upon merit.

Earnestly believing that the time  
has come in the administration of  
the government of this State for the  
inauguration of an intelligent Civil  
Service System, I am herewith re-  
newing the recommendation made to  
the Legislature at the regular session  
for the enactment of a law which will  
seek to place all employment in the  
service of the State upon a basis of  
competency and individual merit.

The administration of the affairs of  
the State of Texas has come to re-



quire the service of so large a number of persons, many of whom must possess special qualifications for the most efficient service, that it is manifestly wasteful and destructive to good public service to continue longer the haphazard policy founded upon political favoritism in the selection of employees of the State.

Most of the States of the Union long since applied the merit system to their public service, and in each instance it is asserted that distinctly advantageous results had been procured, both in the economy of administration of the affairs of the State, and in the improved efficiency of the service.

The enactment of the so-called Board of Control Bill will mean a distinct departure in the old policy of administration in our eleemosynary institutions, placing their control, it is believed, under more intelligent business direction. In effecting this improvement in administrative methods, it will be found particularly desirable to provide that the large number of employees which will come under the control of this Board should be selected and retained upon the basis of individual qualifications for the performance of the duties assigned.

I can not too strongly urge upon the Legislature the importance to the public service of well considered legislation calculated to place Texas in front rank of the States applying tests of individual fitness to those who would enter its services. Efficiency in administration, economy in expenditures, and good public policy each call for the establishment in the State of a sound, practicable Civil Service System.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Governor's Office,

Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session.

At the request of Representative Neill, I submit for your consideration the following subject, to-wit: "An Act to amend Article 3889 of the Revised Civil Statutes of 1911, as amended by House Bill No. 449, Chapter 158 of the Regular Session of the Thirty-sixth Legislature of the State of Texas, fixing the maximum fees that may be retained by

the county judge, sheriff, clerk of the county court, county attorney, clerk of the district court, collector of taxes, justice of the peace and constable in counties having a population of less than twenty-five thousand, providing that this Act shall not apply to counties with a population under twenty-five thousand; that constitute a judicial district."

Respectfully submitted,

W. P. HOBBY,  
Governor.

Governor's Office,

Austin, Texas, June 28, 1919.

To the Thirty-sixth Legislature in Second Called Session.

Gentlemen: Permit me to invite your attention to House Concurrent Resolution No. 3, adopted at the First Called Session of the Legislature, directing the heads of the various departments of the State government to re-employ all soldiers holding honorable discharges in the same capacity and at the same salary they were employed in prior to enlistment and further directing the Governor as Chief Executive to see that the purpose of the resolution was fully carried out. It was my pleasure to direct a personal letter to the heads of each of the various departments with which I enclosed a copy of the resolution.

That you may be fully informed of the result accomplished, by your action, I submit herewith copies of replies received in this office from the heads of the respective departments, showing that not only had ex-soldiers holding former positions in the departments been reemployed but that existing vacancies available were, where possible, filled by discharged soldiers who had not formerly been employed in the departments.

Respectfully submitted,

W. P. HOBBY,  
Governor.

Board of Water Engineers,  
State of Texas.

Austin, Texas, May 20, 1919.

To the Governor, Executive Office.

Sir: I am directed by the Board of Water Engineers to acknowledge receipt of a copy of the House Concurrent Resolution No. 3, trans-

mitted through the Executive Department.

The Board directs me also to say that early in 1917 Richard Thaxton, an employee of this Department, entered the military service of the Government. Upon receiving his discharge, after the signing of the armistice, the activities of this Board were exerted in his behalf, and a position obtained for him with one of the largest canal companies in the Rio Grande Valley at a salary much in excess of that he was receiving while in the employ of the State.

In the summer of 1918, Mr. T. R. Spence, an employee of this Department, entered the military service of the Government. He received his discharge two months ago, and his former position was awaiting him in this Department had he desired to be again employed, but other opportunities have opened for him and he did not desire reinstatement in his old position. He will be in the service of the State, however, in another department.

About two months ago this Department became advised that Mr. J. E. Powers, a lieutenant of the Aviation Service, formerly an employee of the United States Geological Survey in western states, in co-operative work with another state than Texas, would be available for the class of work being conducted by the Board of Water Engineers of Texas in stream measurement, and as soon as opportunity presented Mr. Powers was tendered a position by this Department in work in co-operation with the United States survey which he accepted May 1, and he is now so employed.

Respectfully,  
JAMES HAYS QUARLES,  
Secretary.

General Land Office.  
State of Texas.

Austin, Texas, May 26, 1919.

Hon. W. P. Hobby, Governor, State Capitol.

Dear Sir: In yours of the 20th instant you enclose copy of House Concurrent Resolution No. 3, which is a request by the Legislature that all departments restore former employees, who gave them up to enter the war, their former positions when

they shall have returned from the war, and that you be authorized to see that the purpose of the resolution is fully carried out.

Permit me to say that when the war came on there were three that enlisted from this Department. One of them, Major John W. Hawkins, has returned and resumed his former position in this Department on the 15th instant, which was in keeping with my promise to him when he went away. Another, Lee Ehlinger, has not yet returned, but when he does his place will also be available if he desires it. I have had his wife in the Department since he went away. Mr. J. O. Garnett has not yet returned from his service with the Y. M. C. A., in the Army, but if he should desire a place when he returns it shall be given him. His wife has been in the Department since he went away. I also have another "war widow" in the Department, as I call the wives of absent soldiers. Also Langdon Bradfield, who joined the flying department of the war and who, while flying, fell behind a German line and imprisoned a few months and has been discharged and he now has employment here.

May I express the hope that you will find this record satisfactory.

Respectfully,

J. T. ROBISON,  
Commissioner.

Adjutant General's Department.  
State of Texas.

Austin, Texas, May 23, 1919.

Governor W. P. Hobby, Austin, Texas.

My Dear Governor: I am in receipt of your letter calling my attention to copy of House Concurrent Resolution No. 3, adopted by the First Called Session of the Thirty-sixth Legislature. Replying thereto, beg to advise that I will be very glad to concur in your wishes, and shall lend my cooperation to the matter of carrying out the policy advocated by you in this resolution.

Recently I have put on a discharged soldier in my Department who has had a foot amputated as a result of wounds received in France.

Thanking you for calling my attention to this matter, and assuring you of my desire to cooperate with

you in this, as in all other matters,  
I am,

Very sincerely yours.

JAS. A. HARLEY.

The Adjutant General, State of  
Texas.

Reclamation Department.  
State of Texas.

Austin, Texas, May 19, 1919.

Hon. W. P. Hobby, Governor, Cap-  
itol, City.

Dear Governor: I am just in re-  
ceipt of copy of House Resolution No.  
3, sent me by your office, bearing upon  
the subject of the reinstatement of  
former employes of State depart-  
ments upon their discharge from the  
military service.

Three of our men were called into  
the army. One of them we were  
glad to receive back to his former  
position on receiving his discharge,  
another obtained a better position  
with the State University, and the  
third, I deeply regret to say, died  
while in the service of the United  
States.

Very respectfully yours,

ARTHUR A. STILES,  
State Reclamation Engineer.

Department of Insurance and  
Banking.  
State of Texas.

Austin, Texas, June 12, 1919.

His Excellency, the Honorable W.  
P. Hobby, Governor of Texas, Aus-  
tin, Texas.

My Dear Governor Hobby. Re-  
plying to your letter of May 20, en-  
closing a copy of House Concurrent  
Resolution No. 3, suggesting that  
State departments follow the policy  
of employing soldiers who gave up  
their positions with them to join the  
army, I take pleasure in advising  
that in so far as it has been practi-  
cable the Department of Insurance  
and Banking has pursued that  
course.

We have today on our depart-  
mental staff nine young men who  
saw service either in the military or  
naval branches of the war establish-  
ment.

Very sincerely yours,  
GEO. WAVERLY BRIGGS,  
Commissioner.

Live Stock Sanitary Commission  
of Texas.

506 Flatiron Building.

Fort Worth, Texas, May 26, 1919.

Hon. W. P. Hobby, Austin, Texas.

Dear Sir: I have yours of the  
20th with enclosed copy of House  
Concurrent Resolution No. 3,  
adopted by the First Called Session  
of the Thirty-sixth Legislature.

In this connection, I most respect-  
fully beg to advise than am heartily  
in accord with this resolution.  
Whenever the occasion presents it-  
self, wherein I can secure the serv-  
ices of one of our soldier boys that  
I think can fill the place as an in-  
spector, it will be my pleasure to  
employ him. However up to the  
present time I have received only  
two or three applications from dis-  
charged soldiers.

Yours respectfully,

W. A. WALLACE,  
Chairman.

Treasury Department.  
State of Texas.

Austin, Texas, May 26, 1919.

Hon. W. P. Hobby, Governor of  
Texas, Capitol.

My Dear Governor Hobby: This  
is to acknowledge receipt of your  
letter of May 20th, directing my at-  
tention to the House concurrent re-  
solution which provides for the re-  
employment of honorably discharged  
and returned soldiers, and I assure  
you that I shall conform to the spirit  
and purpose of this resolution.

Sincerely yours,

JNO. W. BAKER,  
State Treasurer.

Railroad Commission of Texas.

Austin, Texas, May 27, 1919.

Governor W. P. Hobby, Capitol.

Dear Sir: This will acknowledge  
the receipt of your letter of the  
20th inst. with which you enclose to  
this Commission copy of House  
Concurrent Resolution No. 3, with  
reference to the re-employment by  
the State departments of discharged  
soldiers.

This Commission will gladly co-  
operate.

Yours respectfully,  
ALLISON MAYFIELD,  
Chairman.

Department of Agriculture.  
State of Texas.

Austin, Texas, May 23, 1919.

Hon. W. P. Hobby, Governor of  
Texas, Capitol.

My Dear Sir: Your letter of May 20th enclosing soldier employment resolutions adopted by the Legislature, before me.

You are advised that this Department has re-employed all persons who gave up their places in it and entered the army. We are in hearty sympathy with the spirit and purpose of the resolution and in fact we have given employment to one or two discharged soldiers who were not employed by us before entering the army.

Very truly yours,  
FRED W. DAVIS,  
Commissioner.

Department of State.  
State of Texas.

Austin, Texas, May 31, 1919.

Governor W. P. Hobby, Capitol.

Dear Governor: Your letter of May 20, 1919, in reference to taking back into the Department soldiers who have gone into the service, received.

I take pleasure in telling you I offered Dr. Brophy, who left this Department to go into the service, a position in this office long before the Legislature passed its resolution and had made all provisions to take him back.

I appreciate your letting me know your wish in this matter and at any time this Department can be of service to you, kindly advise.

Yours very truly,  
GEO. F. HOWARD,

Game, Fish & Oyster Commissioner.  
State of Texas.

Austin, Texas, May 23, 1919.

Governor W. P. Hobby, Austin,  
Texas.

My Dear Governor: Your letter of the 20th instant, enclosing House Concurrent Resolution No. 3, adopted by the First Called Session of the Thirty-sixth Legislature, just received, and in reply to same beg to say: While this Department had no men in the service, we are heartily in sympathy with the spirit

and purpose of said resolution, and it is our purpose to employ returning soldiers and sailors whenever there is an opportunity, provided, of course that they are qualified to fill the specific position, as we have recently done in the case of John Heslip, a wounded soldier from the Thirty-sixth Division.

Sincerely yours,  
J. R. JEFFERSON,  
Chief Deputy, Game, Fish and  
Oyster Commission.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Senate of the Thirty-sixth  
Legislature in Second Called Ses-  
sion.

I ask the advice, consent and confirmation of the Senate in the appointment of Hon. Frank Morris of Stephenville as district attorney of the Twenty-ninth Judicial District, vice Hon. William Pannill, resigned.

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: Recent investigation into the subject has convinced me of the inadequacy of the present statutes relating to the parole of convicts. Recent practices have had a tendency to commercialize prison labor wherein it would seem that the purpose of the law should be to give proper recognition to the good conduct of prisoners that the conditions of the individual prisoner might be bettered that he could be given a chance to prove himself worthy of confidence. In view of the various abuses that have arisen in the administration of the parole law, I take the liberty of suggesting the advisability of appointing a joint committee of two from the Senate, and three from the House to meet and confer with the Honorable Board of Prison Commissioners and the Honorable Board of Pardon Advisors and myself, to the end that proper corrective legislation may be formulated in the interest of the betterment of the prison system.

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session:

At the request of Senator Bailey  
and Representative Bonham, I submit  
for your consideration the following  
subject, to-wit:

"An Act granting to the city of  
Rockport, Texas, all right, title and  
interest of the State of Texas, to  
certain land lying and being situated  
under the waters of Aransas Bay;  
declaring such granted area to be  
the 'Rockport Shipping District,'  
and defining the purpose for which  
same is to be used; granting to said  
city of Rockport the right, power  
and authority to locate, construct,  
own and maintain within said  
granted territory such seawalls or  
breakwaters as may be necessary or  
desirable and to fill in the space be-  
tween same and the mainland, and  
declaring all area formed by such  
filling in to be the property of the  
city of Rockport, etc."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: At the request of  
Senator Clark, I beg to submit the  
following subject for your considera-  
tion:

"An Act to exempt Colorado  
County from the provisions of Chap-  
ter 60, General Laws of the Regular  
Session, Thirty-fifth Legislature,  
1917, and to postpone the eradica-  
tion of ticks in said county until  
January 1, 1922, and declaring an  
emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: I beg to submit for  
your consideration the following  
subject, to-wit:

"An Act to amend Chapter 94 of  
the laws passed at the Regular Ses-  
sion of the Thirty-sixth Legislature  
being an act, approved on March 20,  
1919, so as to make it the duty of  
commissioners courts to provide

suitable places in the court house for  
holding of the justice court in pre-  
cincts containing twenty-five thou-  
sand inhabitants or more, located at  
the county seat, and declaring an  
emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919..  
To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: At the request of  
Representative J. T. Canales, I beg  
to submit for your consideration the  
following subjects:

"An Act creating the Los Indios  
Independent School District in Cam-  
eron County, Texas, etc., and declar-  
ing an emergency."

"An Act adding to and making a  
part of the Raymondville Independ-  
ent School District of Cameron  
County, Texas, certain lands and ter-  
ritory adjoining thereto situated in  
Cameron County, Texas, etc., and  
declaring an emergency."

"An Act adding to and making a  
part of the Rio Hondo Independent  
School District of Cameron County,  
Texas, certain lands and territory  
situated in Cameron County, Texas,  
etc., and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919.  
To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: At the request of  
Representative B. F. Vaughan, I beg  
to submit for your consideration the  
following subject, to-wit:

"An Act amending the Rockwall  
County road laws."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office,  
Austin, Texas, June 30, 1919..  
To the Thirty-sixth Legislature in  
Second Called Session.

Gentlemen: At the suggestion  
of Representative Tilson, I beg to  
submit the following subject for  
your consideration:

"An Act to fix the time of holding  
the courts in the Sixty-fourth Judi-  
cial District of Texas, and to vali-

date all process, bonds and recognizances heretofore taken in the courts of said district and all judgments therein rendered, or to be rendered, and repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

Governor's Office.  
Austin, Texas, June 30, 1919.

To the Thirty-sixth Legislature in Second Called Session.

Gentlemen: At the request of Senator Caldwell, I beg to submit for your consideration, the following subject to wit:

"An Act to make an appropriation of one hundred and eighty-five thousand dollars to reimburse the Board of Regents of the University of Texas for expenditures made at Camp Mabry, Texas and remaining on hand unpaid at the close of the war, out of the University available fund, in pursuance of Senate Concurrent Resolution No. 12, passed at the Fourth Called Session of the Thirty-fifth Legislature, and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 2, Regarding welcome to 141st Infantry:

Respectfully submitted,  
T. B. REESE,  
Chief Clerk, House of Representatives.

Whereas, the 141st Infantry, composed of Texas and Oklahoma men, who rendered a vallant and heroic service on the battlefield in France are due to arrive in Austin to-day; therefore be it

Resolved by the House of Representatives, the Senate concurring, that a cordial invitation be extended to them to visit the Capitol and that they be given the privilege of the floor in both the Senate and the

House of Representatives and that during their visit the rules of the Senate and House regarding admission be suspended, to the end that the public may be present and join with us in this expression of esteem and affection for our brave soldiers; and be it further

Resolved that the Chief Clerk of the House, and the Secretary of the Senate, be instructed to deliver a certified copy of this resolution to the officer in command, immediately on their arrival in Austin.

The resolution was read and adopted.

Morning call concluded.

#### Senate Bill No. 3.

The Chair laid before the Senate on second reading:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay salaries of Judges, and for the support of the Judicial Department of the State Government for the two years, beginning September 1st, 1919, and ending August 31st, 1921, and declaring an emergency."

Senator Dorough offered the following amendment:

Amend the Bill, page 8, line 20, by striking out the figure "500," and "500" and insert in lieu thereof in both places "750."

On motion of Senator Westbrook the amendment was tabled.

Senator Dean offered the following:

Amend Senate Bill No. 3 by striking out line 7, page 3, and inserting in lieu thereof the following:

Salary of Assistant Attorney General is hereby fixed at the sum of \$3,600.00 per annum.

Senator Hopkins raised the point of order that the salary of this officer is already fixed by law and cannot be changed in this manner.

The point of order was over ruled.

Action recurred upon the amendment and the same was adopted by the following vote:

Yeas—13.

Alderdice.	Dorough.
Buchanan of Scurry.	Dudley.
Caldwell.	Faust.
Dayton.	Hertzberg.
Dean.	Rector.

Strickland.  
Westbrook.

Witt.

Nays—8.

Bailey.	Hopkins.
Clark.	McNealus.
Floyd.	Suiter.
Gibson.	Williford.

Absent.

Page. Smith.

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

S. B. No. 3 pending.

#### Executive Session Time Set.

Senator McNealus moved that the Senate go into executive session next Thursday morning at eleven o'clock for the purpose of considering notary and other appointments by the Governor.

The motion was adopted.

#### Joint Session.

At 11 o'clock a. m. the hour heretofore set for Joint Session of the House and Senate, the Chair directed that the Senate pass in a body to the House of Representatives for the purpose of hearing an address by Hon. J. T. Heflin.

#### In the Senate.

The Senate was called to order by Lieutenant Governor Johnson.

#### Recess.

At 12:05 o'clock p. m. the Senate on motion of Senator Clark recessed until 2:30 o'clock today

#### After Recess.

#### (Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

#### Senate Bill No. 3.

(Pending.)

Action recurred upon pending business on second reading:

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay salaries of Judges, and for the support of the Judicial Department of the State Government for the two years, beginning September 1st, 1919, and ending August 31st, 1921, and declaring an emergency."

Senator Dean offered the following which was read and adopted:

(2) Amend the bill on page 11, line 31, by striking out the figure 3 and inserting in lieu thereof the figure "4."

Senator Caldwell offered the following:

Amend S. B. No. 3, page 2, between lines 4 and 5 insert "salary of one porter \$600.00" each year.

On motion of Senator Westbrook the amendment was tabled.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.

Absent.

Rector.

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

## Yeas—20.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Strickland.
Dean.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.

## Absent.

Dorough.	Smith.
Rector.	

## Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 3, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for the two years beginning September 1, 1919, and ending August 31, 1921, and for the Commission of Appeals from September 21, 1919, to June 30, 1920, and declaring an emergency," and has adopted:

S. C. R. No. 5 dealing with "War Risk Insurance."

S. C. R. No. 8, Inviting President Wilson to visit Austin and address a joint session of the Legislature

H. C. R. No. 3, Concerning "Conditions of Peace."

Respectfully submitted,

T. B. REESE,

Hall of the House of Representatives,

## Bills Read and Referred.

The Chair (Lieutenant Governor Johnson) had referred, after their captions had been read, the following House bills:

H. B. No. 3, referred to the Committee on Finance.

H. C. R. No. 3, referred to the Committee on Federal Relations.

## House Concurrent Resolution No. 3.

Senator Westbrook asked for unanimous consent to withdraw the resolution from committee.

There was objection.

Senator Westbrook moved to withdraw the resolution from the Committee.

Senator McNealus raised the point of order that under Section 15, Article IV of the Constitution this resolution must take the same course of a bill.

The Chair over ruled the point of order holding that this resolution is not such as requires the signature of the Governor.

Senator Hopkins moved as a substitute that the resolution be withdrawn from committee and that Senate Rule No. 36 be suspended.

Senator Caldwell called for a division.

Action recurred upon the motion to withdraw and the same prevailed by the following vote:

## Yeas—13.

Buchanan of Scurry.	Page.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Floyd.	Williford.
Gibson.	Witt.
Hopkins.	

## Nays—9.

Alderdice.	Faust.
Bailey.	Hertzberg.
Caldwell.	McNealus.
Clark.	Strickland.
Dudley.	

## Absent.

Rector.

## Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

The motion to suspend Senate Rule No. 36 was withdrawn in as much as the Chair held that said rule is not applicable.

The Chair laid before the Senate H. C. R. No. 3, relating to the endorsement of the terms of the Peace Treaty.



Senator Westbrook moved to adopt the resolution.

As a substitute, Senator Bailey moved to set the resolution as a special order at the conclusion of the morning call tomorrow.

The substitute motion prevailed.

#### Resolutions Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following:

H. J. R. No. 1, Ratifying amendment to the Constitution of the United States of America proposed by the Sixty-sixth Congress of the United States of America at its First Session, begun and held in the city of Washington on Monday the nineteenth day of May, one thousand nine hundred and nineteen, which amendment provides, in substance, that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of sex; and that Congress shall have the power to enforce this article by appropriate legislation.

H. C. R. No. 2, Providing for the welcome of the 141st Infantry.

S. C. R. No. 6, Providing for a joint session to witness the presentation of the Distinguished Service Cross to Captain Gillis Johnson.

#### Senate Concurrent Resolution No. 9.

Whereas, it is reported that repeated examinations of the water supply of the City of Austin show same to be contaminated and is liable to at any time become a menace to the lives and health of all of the consumers of said water, and

Whereas, there is reason to believe that at least a part of the contamination of said water supply is coming from the sewerage disposal from some of the State institutions located in the City of Austin, therefore be it

Resolved, That a committee of three from the House and three from the Senate be appointed to accompany a committee from the State Health Department and the city authorities of the City of Austin for the purpose of making an exam-

ination and inspection of the sanitary conditions of each of the State institutions, reduce their findings to writing; the same to be submitted to the above House and Senate, the Mayor of Austin, and the State Health Officer, with such recommendations as in their judgment seems proper, with the view of correcting the sources of infection of the said city water supply of the City of Austin.

The above is recommended and endorsed by the civic and commercial clubs of the City of Austin.

STRICKLAND.

The resolution was read and adopted.

#### Senate Bill No. 14.

The Chair laid before the Senate on third reading:

S. B. No. 14, A bill to be entitled "An Act creating, establishing and incorporating Hidalgo Common School District No. 15 in Hidalgo County, Texas, containing a portion of the territory of Hidalgo County, Texas, heretofore embraced in Pharr-San Juan Independent School District, describing the metes and bounds thereof, placing said Hidalgo Common School District No. 15, under the jurisdiction of Hidalgo County, etc."

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

**Senate Bill No. 15.**

The Chair laid before the Senate on third reading:

S. B. No. 15, A bill to be entitled "An Act amending Chapter 85, House Bill No. 603, enacted by the Thirty-sixth Legislature at its regular session, creating Edinburg Independent School District in Hidalgo County, Texas, by amending Section 1 thereof, revising the metes and bounds of said district and by amending Section 11 thereof, providing for bond of assessor and collector authorized by said House Bill No. 603 and fixing his compensation; repealing all laws in conflict therewith and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

**Yeas—23.**

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

**Absent—Excused.**

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

**Senate Bill No. 16.**

The Chair laid before the Senate on third reading:

S. B. No. 16, A bill to be entitled "An Act amending Chapter 68, House Bill No. 534, enacted by the Thirty-sixth Legislature at its regular session, creating the Parr-San Juan Independent School District, by amending Section 1 thereof; revising the metes and bounds of said district, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

**Yeas—23.**

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

**Absent—Excused.**

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

**Senate Bill No. 9.**

The Chair laid before the Senate on second reading:

S. B. No. 9, A bill to be entitled "An Act to amend Article 2429, Revised Civil Statutes of the State of Texas, 1911, as amended by Chapter 145, Acts of the Regular Session of the Thirty-sixth Legislature, providing the method of remitting State funds to State Depositories and the State Treasury; repealing all laws and parts of laws in conflict therewith and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 9 put on its third reading and final passage by the following vote:

**Yeas—22.**

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.

**Absent.**

Witt.

## Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Hopkins, was passed by the following vote:

## Yeas—19.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.
Gibson.	

## Nays—1.

McNealus.

## Absent.

Caldwell.	Witt.
Clark.	

## Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

## House Bill No. 4.

The Chair laid before the Senate on second reading:

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1919, and ending August 31, 1921, as follows, to wit: State Orphan Home, Confederate Woman's Home, Confederate Home, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institute for the Training of Juveniles, Girls' Training School, Tuberculosis Sanitarium, Carlsbad; State Lunatic Asylum, State Pasteur Institute, Southwestern Insane Asylum, North Texas Hospital for the Insane, Hospital for Negro Insane, State Hospital for Crippled Children, State Farm Colony for Feeble Minded, State Bu-

reau of Child and Animal Protection, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report carrying amendments which substitute Senate Bill No. 4, was adopted.

Senator Dayton offered the following:

Amend committee report by striking out \$250.00 in line 23, page 18, printed bill and insert in lieu thereof \$1250.00 for the first year.

The amendment was read and adopted.

Senator Caldwell offered the following amendments which were read and adopted.

(2) Amend Senate Bill No. 4, page 8, printed bill, insert between lines 8 and 9 the following:

To pay room rental for the attendants \$180 each year.

(3) Amend Senate Bill No. 4, page 7, line 31, printed bill:

Strike out \$420.00 each year, and insert in lieu thereof, \$480.00 each year.

Senator Caldwell offered the following:

Amend Senate Bill No. 4, page 14, printed bill, line 25: Strike out \$250.00 each year and insert in lieu thereof the following, \$1500.00 each year.

Senator Clark moved to table the amendment which motion was lost by the following vote:

## Yeas—5.

Alderdice.	Suiter.
Clark.	Westbrook.
McNealus.	

## Nays—17.

Bailey.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Dayton.	Page.
Dean.	Rector.
Dorough.	Smith.
Dudley.	Williford.
Faust.	Witt.
Floyd.	

## Absent.

Strickland.

## Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

The amendment was then adopted. Senator Caldwell offered the following which were read and adopted:

(5) Amend Senate Bill No. 4, page 13, printed bill:

Insert between lines 10 and 11 the following:

Salary of chambermaid \$270.00 each year.

(6) Amend Senate Bill No. 4, page 15, insert between lines 3 and 4 the following:

To purchase combination auto truck and exchange old one \$750.00 for the first year.

Senator Hopkins offered the following:

Amend the committee amendment to House Bill No. 4, as printed by inserting in line 32, page 40, the following: "Automobile (first year) \$650.00."

Senator Caldwell offered the following:

Amend amendment by striking out \$650.00 and insert in lieu thereof "\$1700.00" first year.

On motion of Senator Clark, the amendment to the amendment was tabled.

The amendment by Senator Hopkins was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 4 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

Absent—Excused.

Buchanan of Bell.	Johnston.
Carlock.	Parr.
Cousins.	Woods.
Hall.	

#### Resolutions Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate after same had been read the following:

S. C. R. No. 8, Inviting President Woodrow Wilson to address joint session of the Legislature.

S. C. R. No. 5, Memorializing Congress to supplement allotments to soldiers and sailors.

#### Adjournment.

At 5:20 o'clock p. m. the Senate on motion of Senator Caldwell adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Petitions and Memorials.

Senator McNealus offered the following, which was ordered printed in full:

The following resolutions were adopted at today's meeting of the Texas Oil Investors' protective Association:

Whereas, an Oil Company usually is organized with holdings or leases, these leases furnishing, at once, a preponderance of stock, invariably

hopelessly outnumbering the balance of stockholders, thereby forestalling any change in management, or forcing a receivership; and

Whereas, at present, same Oil Companies, sell out to a phantom Oil Company, without in the least consulting stock holders, increase capitalization and at the same time, depress the shares to a fraction of their original values; and

Whereas, the "blue sky" laws of other States have, so far failed to protect stockholders; and

Whereas, the actionable Fraud Bill passed by the last regular Texas Legislature, whereby a stockholder may sue for damages and also exemplary damages, in case of false representation, or promises mostly insufficient, on account of the lack of assets of a fraudulent company; and

Whereas, the "Conversation" Act for Oil and Gas, likewise passed by that Legislature, compelling the Oil Companies to keep books and exhibit these books to the stockholders, under a Five Thousand Dollar fine, this fine coming invariably from the stockholders' pockets and not from the culprit; therefore be it

Resolved, That this Association has reached the conclusion that only criminal action against fraudulent Oil Companies will remedy the widespread oil frauds; and this Association recommends the adoption of the British law, which compels a Stock Company to state exactly what it is what its assets are, what contract has been made prior to its flotation, and explicitly those responsible for its existence, who are held liable civilly and under severe criminal penalties for the truthfulness of the statements filed for public record.

There is likewise the necessity of sworn to periodical statements to the stockholders, and in the oil fields, the necessity for visible signs, on derricks or wells, of the ownership of Company.

(Signed.)

C. T. COOK,  
Secretary.

Senator Dorrough offered a petition from the mayor and others of New Boston favoring the item for rural health sanitation.

Senator Hertzberg offered a petition from San Antonio in favor of the State taking up health measures instituted by the War Department.

Senator McNealus offered telegram from T. E. Jackson of Dallas favoring rural health sanitation.

Senators Page and Rector each offered petitions favoring appropriations for Agricultural Department.

#### Engrossing Committee Report.

Committee Room,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 14 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, June 27, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 13, A bill to be entitled "An Act granting cities and towns power to re-assess the cost of street and side-walk improvements where prior assessment is erroneous or declared void; authorizing the procedure therefor; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PAGE, Vice-Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

S. B. No. 33, A bill to be entitled "An Act making an appropriation for the establishment, construction, equipment and maintenance of a wool and mohair scouring plant, at the Agricultural Experiment Station, of the Agricultural and Mechanical College of Texas, for the scouring of representative samples of wool and mohair in order to determine their shrinkages, as protection to

the Texas producers of wool and mohair in the sale of their products, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

CLARK, Chairman.  
BUCHANAN, of Scurry.  
BAILEY.  
DUDLEY.

(Floor Report.)

Senate Chamber,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock raising to whom was referred

S. B. No. 12, A bill to be entitled "An Act to amend Chapter 60 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, and being an Act supplementing the Act creating the Live Stock Sanitary Commission for the State of Texas, and which is known as the Eradication of Cattle Ticks Law, so that hereafter Kinney County, Uvalde County, and Medina County in the State of Texas, shall be placed in Zone No. 3 instead of in Zone No. 2 as heretofore, and declaring an emergency."

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

CLARK, Chairman.  
BUCHANAN, of Scurry.  
BAILEY.  
DUDLEY.

(Floor Report.)

Senate Chamber,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to create the 'Three P. Independent School District' in Fannin County, Texas, designating its territory; providing for a Board of Trustees thereof; defining the powers and duties of said independent school

district and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.  
WILLIFORD.  
FLOYD.

(Floor Report.)

Senate Chamber,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 31, A bill to be entitled "An Act repealing Sections 1 to 13, both numbers inclusive, of Chapter 58, Special Laws enacted by Regular Session of the Thirty-third Legislature, approved March 19, 1913, the same being an Act granting to Fannin County, Texas a more efficient road law, and adopting for said county the General Laws of the State in relation to the issuance of bonds for the purpose of constructing, maintaining and operating macadamized, graveled, or paved roads or turnpikes, or in aid thereof, and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass.

PARR, Vice-Chairman.  
WILLIFORD.  
CLARK.  
STRICKLAND.  
CALDWELL.

Committee Room,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Federal Relations, have had Senate Concurrent Resolution No. 3 under consideration, and recommend that same do not pass, but beg to recommend that the committee substitute to Senate Concurrent Resolution No. 3 do pass and be not printed but be printed in the Journal.

Respectfully submitted,  
HERTZBERG, Chairman.

Committee substitute for Senate Concurrent Resolution No. 3.  
Whereas, it is announced by the

Associated Press that the Federal Government has adopted a new policy in dealing with the Mexican situation; and it is declared to be the intention to protect the lives and property of the American citizens along the border at any cost and is necessary to send punitive expeditions across the border when occasion arises; and

Whereas, it is reported upon a reliable authority that United States troops will be instructed, if it be deemed necessary to maintain a neutral zone along the border for the protection of the citizens who reside in Texas, Arizona and New Mexico; and

Whereas, it is of common knowledge that the present government of Mexico has, in many and diverse ways and with much publicity and with irritating and apparently carefully designed effort from time to time insulted the American flag, aided and abetted our enemies and harassed American citizens; traveling or sojourning in that country, and

Whereas, there has continued for the past several years a reign of disorder and lawlessness along the whole of the Mexican border compelling great loss to the citizens of the United States and preventing them from pursuing their peaceful occupations; compelling them to abandon their homes and to take extraordinary precautions to prevent being murdered or robbed; and many American citizens have been done to their death because the present Mexican government does not afford them the proper protection; and

Whereas, the government of Mexico as existing at present has failed and proven itself utterly incapable of performing its duty in protecting American lives and property in the Republic of Mexico; and

Whereas, the citizens of Texas and other border states of the United States and the properties of all American citizens are entitled to and of right ought to be given the protection due by one nation to the citizens of another; and

Whereas, we have suffered long from the aforesaid outrages and insults; therefore, be it

Resolved, by the Senate of Texas, the House of Representatives con-

curring, That our new Federal policy is one which should be rigidly adhered to; and that if occupancy of the border zone in Northern Mexico is deemed essential that our Federal Government would be fully justified in taking such action, and it is the sense of the Senate of Texas, the House concurring, that the Government of the United States would be fully justified in such acts, provided that care be taken to let it be fully understood that American troops will cross the border only for the protection of the lives and property of American citizens and will be withdrawn when the Mexican Government is fully able to give us said protection; and be it further

Resolved, by the Senate of Texas, the House concurring, That the Government of the United States is strongly urged to recognize that a state of war exists in Mexico; and it is further

Resolved, That the Governor of Texas is heartily commended for having refused permission to any armed band of Mexicans of whatever faction to pass across the territory of Texas to suppress the revolutionary movement or to further same.

We further commend Governor W. P. Hobby for his foresight in anticipating trouble along the border and calling same to the attention of our Federal authorities and for tendering the services of the State to better protect American citizens.

Committee Room,  
Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Finance to whom was referred

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1919, and ending August 31, 1921, as follows, to-wit: State Orphans' Home, Confederate Womans' Home, Confederate Home, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institute for the Training of Juveniles, Girls' Training School, Tuberculosis Sanatorium,

Carlsbad; State Lunatic Asylum, State Pasteur Institute, Southwestern Insane Asylum, North Texas Hospital for the Insane, Hospital Negro Insane, State Hospital for Crippled Children, State Colony for Feeble Minded, and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the following committee amendment: "Strike out of House Bill No. 4, all of said bill after the enacting clause and adopt in lieu thereof Senate Bill No. 4 as printed after the enacting clause, which is hereto attached, and further recommend that said bill be not printed and said amendment be not printed.

WESTBROOK, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 59, A bill to be entitled "An Act to exempt Colorado County from the provisions of Chapter 60, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, and to postpone the eradication of ticks in said county until January 1, 1922, and declaring an emergency,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

CLARK, Chairman.

DOROUGH.

BUCHANAN of Scurry.

DUDLEY.

BAILEY.

Floor Report.)

Committee Room,

Austin, Texas, June 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Penitentiaries, to whom was referred

S. B. No. 35, A bill to be entitled "An Act authorizing the Prison Commission of the State of Texas by and with the consent of the Governor, to purchase the necessary

land and machinery needed to establish, maintain and operate a cement plant in this State, to operate said plant, when so constructed, for the manufacture of cement and its by-products; providing that the State may work said plant with convict labor and that the products so manufactured at said cement plant may be sold only to the counties, cities and political subdivisions of such counties, when the same is to be used in the construction and maintenance of the public roads of said counties, cities and subdivisions thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WESTBROOK.

DOROUGH.

SMITH.

DEAN.

By Dorough.

S. B. No. 35.

A BILL  
to be entitled

An Act authorizing the Prison Commission of the State of Texas, by and with the consent of the Governor, to purchase the necessary land and machinery needed with which to establish, maintain and operate a cement plant in this State, to operate said plant, when so constructed, for the manufacture of cement and its by-products; providing that the State may work said plant with convict labor and that the products so manufactured at said cement plant may be sold only to the counties, cities and political subdivisions of such counties, when the same is to be used in the construction and maintenance of the public roads and highways of said counties, cities and political subdivisions thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Prison Commission of the State of Texas by and with the consent of the Governor, be and it is hereby authorized and empowered to purchase the land and machinery necessary for the establishment and operation of a cement plant in the State of Texas, and it



is authorized and empowered to manufacture cement and its by-products, for sale to the various cities and towns of this State in the manner hereinafter stated.

For the purpose of the purchase of the necessary land and machinery for the establishment and operation of said cement plant, and to pay any and all necessary expenses in connection therewith, and for the support and maintenance of said industry, the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds belonging to the State of Texas and held by the Prison Commission of said State for its account.

Sec. 2. The Prison Commission is empowered to use convict labor in the constructing and operation of said cement plant where such labor can be used, to the end that the State may not be required to pay out any money for the labor in the construction and operation of said cement plant.

Sec. 3. The cement and by-products manufactured at said cement plant shall be sold and disposed of by the Prison Commission in the same manner as it now sells and disposes of the products of its farms, conditioned that said Prison Commission is authorized only to sell to various counties, cities and other political subdivisions of said counties where said cement and its by-products are to be used only in the construction and maintenance of the public roads and highways of said counties and cities.

Sec. 4. The fact that there is now a great demand for cement in the construction of the public roads and highways of this State and that the selling price thereof is exorbitant and excessive profits are demanded create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Enrolling Committee Report.

Committee Room,  
Austin, Texas, June 30, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 6 copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:55 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Caldwell.

S. C. R. No. 6.

Resolved by the Senate of Texas, the House of Representatives, concurring, that the Legislature shall meet in joint session on Friday, June 27, 1919, at eleven o'clock a. m., to witness the presentation to Capt. Gillis Johnson, of the United States Marine Corps, of the Distinguished Service Cross for bravery upon the field of battle.

#### Special Committee Report.

Austin, Texas, June 29, 1919.

To the Honorable R. E. Thomason, and the Honorable W. A. Johnson, President of the Senate:

Sirs: We your joint Committee appointed under House Concurrent Resolution No. 6, to investigate matters relating to the original lease of the Blue Ridge Farm, and the attempted release of same, beg leave to report as follows:

1st. Your Committee convened in Austin on May 19, 1919, and after organizing as provided in said resolution, proceeded to hear the preliminary statements of all parties interested in said investigation, and at which hearing Gov. W. P. Hobby submitted a preliminary statement in which he set out the matters relating to the attempted release, as he understood them. The attorneys representing Bassett Blakely, the owner of the Blue Ridge Farm, also submitted a preliminary statement, after which your committee subpoenaed such witnesses as it appeared were in position to know anything about the facts relating to either the original lease, and the transactions connected therewith, or the attempted release, and all matters relating thereto, and had submitted to

it copies of all contracts pertaining to the transactions connected with said lease; copies of all evidence, contracts, maps, etc., being attached hereto for the inspection of all interested parties.

2nd. We find, from the evidence, that the original lease dated January 1st, 1916, conveyed to the State 3752 acres of land for the period of ten years at the annual rental of one-fourth of all crops grown on said land, and that the owner, Bassett Blakely, was to furnish two tractors with which to break said land, together with one mule for each twenty acres put in cultivation, to be used in cultivating said land, together with such horses as were necessary for the guards to use in guarding the convicts on said Farm. And the contracts further provide that the State should have the option of buying said land at any time within five years, at \$50.00 per acre, or at any time within the next five years, at \$55.00 per acre; that an additional contract was entered into on or about — day of December, 1918, conveying to the State an additional 2200 acres of land, upon the same conditions and under the same contract as the original 3752 acres had been conveyed, making a total of 5952 acres in the Blue Ridge Farm; that there is now in cultivation on said Farm, 5600 acres, all of which has been put in cultivation by the State.

3rd. That at the time of making the original lease, Bassett Blakely reserved the minerals, etc., in and under 1100 acres of the land thus conveyed, granting to the State the minerals in and under the remainder of the land conveyed, in case the State should exercise its option to buy; that at the time of making the second or additional lease contract, no mineral rights were reserved by Blakely.

4th. That at the time of making the original contract, both Bassett Blakely and the parties representing the State regarded the mineral rights as of material value, there being at that time considerable prospecting for oil upon said land, and which prospecting was continued until a producing well was brought in, on April 14th, 1919, said well being situated on the land in which the mineral rights had been reserved by Blakely; that said well is now pro-

ducing 100 barrels of oil per day and has not been tested as to its full capacity.

5th. That said land is now worth \$100.00 per acre or more, regardless of all oil prospects, and that the oil development has increased the value of said land very greatly. It is the opinion of your Committee that this tract of land, together with the mineral rights contracted for by the State, is worth far in excess of \$100.00 per acre, and development has not proceeded at this time to such an extent as that your Committee can determine the value; that development for oil is being continued on said land and if other producing wells are brought in, the value of said land will be very greatly increased thereby.

6th. Your Committee finds that on or about 17th day of July, 1916, under a former administration, the Prison Commission delivered to Bassett Blakely an instrument purporting to be an agreement authorizing him to sell mineral leases on the land conveyed to the State, and which purported agreement is without consideration, and, in the opinion of your Committee, is void, and under which the said Bassett Blakely has sold mineral leases to many individuals and Companies, the total amount realized by him for such leases being many thousands of dollars, and in which leases, one-eighth of the minerals and oils produced is to be paid monthly as a royalty. The purported agreement provides that all the benefits derived by said Bassett Blakely from the sale of said leases shall revert to the State in case the State should exercise its option to buy the said land; and the said Bassett Blakely and his attorneys are now contending that this part of the agreement was intended to mean that the one-eighth royalty should go to the State in case the State exercised its option to buy, and that all bonuses were to be retained by the said Bassett Blakely.

This agreement was made by Commissioners Pryor, Bickett and Dulaney, and it is the opinion of your Committee that said Commission had no authority to enter into any such agreement, and that it was an inexcusable mistake for them to attempt to enter into any such agreement by which, if it should be determined a legal contract, the State would lose

the amount for which these leases were sold, except the  $\frac{1}{2}$  royalty provided for.

7th. The Committee finds that on or about the 5th day of April, 1919, the Governor signed what purported to be a release of the State's option to buy said land, and that on April 7th. Commissioner Pryor signed said purported release, and on April 12th. Commissioner Winfrey signed the same; that said purported release was presented to these parties separately, and not at any meeting of the Prison Commission; that if said purported release should be enforced, it would be a great loss to the State of Texas, as shown by the value of said land at the present time. It is the opinion of your committee that said attempted release is illegal and void, and that the State is under no legal or moral obligation to carry out the purposes of same, because of the matters hereinafter stated, and the methods pursued in obtaining the signatures to the said purported release as hereinafter shown.

We, therefore, specifically recommend that the State proceed, by such steps as are found to be necessary, to exercise its option to buy said land, and that said proceeding be begun immediately, and completed as soon as it can legally be done.

8th. We find that prior to the date of this purported release the Commission released the option to buy the Rogers Farm and which action was approved by the Governor, in which Rogers lease the State had an option to buy the same at \$60.00 per acre. The evidence shows this tract of land to be worth \$100.00 per acre and from these facts we conclude that the State lost \$40.00 per acre on this land because of the release being executed.

9th. That the original Blue Ridge Farm contract or lease was made during the administration of Governor Ferguson, and was a contract favorable to the State in many respects, at that time the land being all raw land, and of the value of \$25.00 per acre. The State put the land in cultivation, and contracted to pay \$50.00 per acre for the same, at the same time paying rent for the use of said land for each year it was cultivated by the State. We do not believe that the State should enter into contracts by which private individuals will get the benefit of the

labor of the convicts. The evidence in this case shows that all contracts entered into by the State for the purchase of leased lands are based upon the value of the land after it is put in cultivation, and in all instances the State put the greater part, if not all, of each tract of land in cultivation, thereby giving to the owner of the land the increased value which resulted from the labor of the convicts of the State, while at the same time paying to the owner of the land the rent which it was agreed should be paid.

10th. From the evidence, it appears that Governor W. P. Hobby, in the latter part of the year 1918, or the early part of the year 1919, decided upon the policy of working the State convicts upon State owned land, and to eliminate the lease contracts as soon as it could be done, and so notified the Prison Commission of his policy, to which the Prison Commission agreed. We are of the opinion that this should be the ultimate policy of the State and that the Legislature of the State should endorse this policy, and that the same should be put into effect without releasing any of the State's rights in contracts which now exist, and that all contracts heretofore entered into by the State for leasing lands should be faithfully carried out until the termination of the lease by purchase or time of expiration.

11th. We find that about the time of the announcement of this policy by the Governor, Bassett Blakely and attorneys representing him, began to negotiate for the release of the Blue Ridge Farm, and especially for the release of the option to buy the Blue Ridge Farm, and in pursuance of this proposition and to carry out such purpose, the said Bassett Blakely employed Walter J. Crawford, the personal friend, partner in business and campaign manager of Governor W. P. Hobby, to push this matter through, and get the signatures of the Governor and the Commissioners to the release; that at the time of such employment he had employed at his regular attorney W. L. Hill, who was acquainted with all parties and well versed in prison affairs.

12th. That in pursuance of said purpose, the said Bassett Blakely and others, together with his attorneys, continually insisted upon the release

of the option to buy the Blue Ridge Farm, and that on or about the 25th. day of March 1919, the said Bassett Blakely and his attorneys became very much interested and in great haste to get said release executed by the Governor and the Commission, getting the last signature to said purported release on or about the 12th. day of April, 1919, and the acknowledgement of Commissioner Pryor to same at about midnight, or perhaps later in the night of Saturday, April 12th, and that on April 14th., a producing well came in on said land, as heretofore stated.

13th. We find that said Walter J. Crawford secured the signature of Commissioners Pryor and Winfrey to said purported release; that the Governor's signature was obtained by W. L. Hill, a former member of the Legislature, and many times the legal representative of the Prison Commission, but at that time the regularly retained attorney of Bassett Blakely; that neither of said parties or any one else mentioned to the Governor the fact that an oil well was being put down on said land; that after the Governor and the Commission had information that a well had come in, they refused to complete the purported release, but that Commissioner Pryor insisted on the same being completed and voted to enter the minutes presented by Mr. Crawford, completing the release.

14th. We find that at the time said purported release was signed, a well on said land had reached such stage that the parties drilling the same, and those interested therein, had good reason to believe that said well would be a producing well, and that on April 7th. before said well came in on April 14th. there was a showing of oil in said well, as shown by the log of the well offered in evidence. We further find that the Gulf Production Company held a lease on said land, and drilled said well, and that said Company was under contract to furnish Bassett Blakely a statement of the condition of said well, the depth and showing of said well, at any and all times at which he might call for same.

15th. We find that for several days prior to the coming in of this well, buying and selling leases on Blue Ridge Farm was very active, and that the Texas Company bought the mineral rights in and to 10 acres

of land, one-fourth of a mile from said well, for a consideration of \$10,000.00 and that many other parties bought leases at various distances from said well at a much greater price than they had theretofore been selling for; that all of these transactions occurred in Houston, Texas, and that Bassett Blakely and his attorneys were in Houston, Texas, part, if not all of this time and could hardly have failed to know of the activity in the sale of leases on the Blue Ridge Farm and the reasons therefore; especially as the Gulf Production Company was under contract to furnish to Bassett Blakely all information regarding the well.

16th. We find at the time Walter J. Crawford first talked with the Commission and the Governor in regard to releasing the option to buy Blue Ridge Farm and to change the leases in a material way, detrimental to the State, the excuse offered was that Mr. Blakely wanted his status defined, and desired to obtain a loan on the land, but the evidence does not bear out this statement, as there appears to have been no reason whatever for desiring a loan on said land, and that if any reason had existed, that said lease to the State in no way interfered with obtaining said loan.

17th. We believe, in view of the fact that Mr. Crawford was the personal friend, partner in business, and campaign manager of Governor W. P. Hobby, and in view of the further fact that he received a fee in the sum of Ten Thousand Dollars for this service, a fee which is out of all proportion to the amount of work done, except such influence as might have been thought to have been exercised, that such acts deserve condemnation. It is our opinion that the campaign manager of the Governor is responsible, in a degree at least, to the people for the policies pursued by the Governor after he is elected and that his campaign manager should endeavor to assist him in making his administration a success, and should not engage in any practice which would bring spoils to any one belonging to the successful party, or that would even be subject to such construction.

18th. Mr. Crawford states that he was employed because he could get an audience with the Governor and Commission, and Mr. Blakely states that he employed Mr. Crawford be-

cause he wanted a man "Who could bring back the bacon" and he found Mr. Crawford to be the man. Mr. Crawford says that after the well came in, he knew that the Governor and Commission would be criticised for signing this release, yet he went to Huntsville on the morning of April 15th. to insist upon the Commission entering in their minutes a resolution confirming the deal, without conferring with the Governor, or presenting to him the facts relating to the well coming in on April 14th. Mr. Blakely states that before leaving Houston for Huntsville, Mr. Crawford in conversation with him, used the following language, "Of course they know now—the papers have got this well in. Everybody knows it, and I don't know what effect it will have on them." This was immediately before starting for Huntsville to have the minutes entered confirming the release. It seems to us these statements prove conclusively that the parties were undertaking to put the deal over the State officials and to complete the same before anyone would know that a producing well was on the land included in the Blue Ridge Farm. Having been associated with the Governor, as before stated, as a business partner and as campaign manager, it was certainly the duty of Mr. Crawford after hearing of the well to have at once informed the Governor of all the facts before proceeding with the transaction. And we especially commend the Commission for refusing to enter the minutes presented by Mr. Crawford completing this deal, and for insisting on his notifying the Governor of all the facts, and the Governor for refusing to request the Commission to complete the release, after the facts were stated to him.

19th. The log of the well, introduced in evidence, and sworn to by Underwood Narzo, who kept the records for the Gulf Production Company, shows that gas came into the well on April 5, and that on April 7, there was a showing of oil in the well, and that these indications continued to increase until April 11, or 12, when they began to prepare to set the strainer and bring in the well. It further appears from the evidence that this company was under contract to furnish to Mr. Blakely the information concerning

the condition of the well and the prospects of same at any and all times that he might call for the same. It further appears that it became quite generally known in Houston some days before the well came in, that this well was about to be brought in, and the trading in leases at much higher prices than they had been worth before, began several days before the well came in. Mr. Blakely, through his attorneys, Mr. Hill and Mr. Crawford, became very insistent on having the release signed and the deal completed, as is shown by the fact that they went day and night for this purpose, although each and all of them contend that they knew nothing of the condition of the well or its prospects, or of the active trading in leases, or any other matter which would put them on notice that this well was likely to become a producing well at an early date. We believe the facts are conclusive, and that their great haste was for the purpose of getting the release signed and the deal completely closed before any of the officials of the State became acquainted with the facts.

20th. The evidence shows that the State was in possession of this land and that this farm was under the direct supervision of Commissioner Pryor; that all of the Commissioners visited this farm, as they did all the other prison farms, on such occasions as they saw fit; that two or more wells were being put down on said land. The evidence further shows that the parties became very insistent upon having the release signed at an early date, and the matter closed and in pursuance of this object, insisted upon the Governor signing first; when, in the regular course of such business, the Commission would have acted in regular session at Huntsville, Texas, and their action would have then been certified to the Governor for his approval or disapproval. We believe that these facts and circumstances should have put the officers of the State on notice that there was some reasons for the undue haste, and that the officers of the State should have been much more diligent and careful in attempting to find out the reason why the parties were in such great haste to have this matter closed, instead of acting on the sug-

gestion of friends and interested parties.

21st. We find, from the evidence, that there was no time within two years prior to the date of the conclusion of the purported release, that Bassett Blakely was willing to sell the Blue Ridge Farm for fifty dollars per acre, and that on all occasions when opportunity presented, his friends and attorneys were insisting that the State should not buy the same; that on the occasion of the visit of the committee appointed by the House during the Regular Session of the Thirty-sixth Legislature, and while said Committee was in Houston, one Arch McDonald, stated to Representative Raiden that the State would not buy Blue Ridge Farm because Bassett Blakely did not want to sell, and others insisted that it would be a mistake for the State to buy Blue Ridge Farm. And a few days before the Governor submitted his message to the Legislature stating his policy, which was on February 24, 1919, Mr. Crawford said to Commissioner Low that they, the Commission, will not buy the Blue Ridge Farm, because Bassett Blakely does not want to sell the same.

From the evidence it appears that W. L. Hill, who is now representing Bassett Blakely in attempting to evade the effect of that portion of the contract in which the State reserved the option to buy, represented the Prison Commission at the time of the execution of said contract, and was in reality the author of said contract, for all of which he was paid a fee and was expected to draw such a contract as would be valid and enforceable in all respects; that now the attorneys representing Mr. Blakely, including Mr. Hill, are insisting that this contract is invalid and unenforceable. In our opinion this is a violation of legal ethics and an injustice to the original client of Mr. Hill and a practice which is subject to just criticism.

We further find that Mr. Blakely and his attorneys are contending that the State was on equal footing with Mr. Blakely in getting information as to the condition of the well being put down on this land and its prospects. The evidence shows that Mr. Blakely had a contract under

which the Gulf Production Co. was to furnish him all information as to the well, but that the State had no such contract and had no such opportunity and that the only thing the officers of the State could do was to observe the well and from that observation draw their own conclusions.

22nd. The evidence shows that this land is worth \$600,000.00 or more as a farming proposition, regardless of all oil prospects, and that the Commissioners were each and all cognizant of this fact and that the Governor had been advised by two different Committees appointed at different times by the Legislature, that this land was worth much more than the fifty dollars per acre which the State was obligated to pay, if it exercised its option. And on December 21, 1918, the Prison Commission, by a vote of two to one, Commissioner Pryor voting against, and Commissioners Winfrey and Dulaney voting for, advised the Governor that it was the intention of the Commission to buy the Blue Ridge Farm and asked his approval of the same. We find from these facts that when the Governor and the two Commissioners signed said purported release in April, 1919, they knew, or should have known, that they were attempting to waive the rights of the State under a contract in which the State had a profit of at least three hundred thousand dollars, and which profit was in the increased value of the land, and which increase in value was the direct result of the labor of the convicts of the State in putting said land in cultivation and proving its productive qualities. For these reasons, we believe that the Governor and the two Commissioners signing said purported release, did so without exercising that care for the State's interest which should have been exercised, and, to our minds, with so little excuse as to be unjustified in so doing.

We further find that the release of the option mentioned was not signed by Commissioner S. D. W. Low, (who had at that time succeeded Commissioner Dulaney), and that Commissioner Winfrey signed the same upon great insistence of Mr. W. J. Crawford and after said re-

lease had been signed by the Governor and Commissioner Pryor.

23rd. In view of all our findings heretofore stated, we are of the opinion that the State is under no legal or moral obligation whatever to respect the attempted release, executed in a manner not contemplated by law, and under circumstances which are doubtful, if not questionable.

We therefore recommend that the Legislature make any and all changes necessary in the present law to assist the State in enforcing its rights in compelling compliance with, and specific performance of the original lease contract and option to buy the Blue Ridge Farm.

24th. We beg to report, further, that in taking evidence and in making the investigation contemplated by the resolution under which your Committee was appointed, we found it necessary, by way of comparison, to inquire into the purchase of lands, in the latter part of 1917 and early part of 1918 and the lease contracts on other lands as well as Blue Ridge Farm, and the method pursued when making said contracts, the nature of the land purchased, and the productivity of the same as shown by the records of the Prison System.

As an incidental matter, we also inquired into the manner and method of paroling convicts, and attempted to determine the result thereof, in order that we might, if we found it necessary, recommend changes in the Parole Law, such as will improve the system.

25th. We find that in the latter part of 1917 and the early part of 1918, the Prison Commission, consisting of Commissioners Bickett, Dulaney and Pryor, with the approval of the Governor, purchased more than 20,000 acres of land, ranging in price from \$35.00 per acre to \$50.00 per acre, and that nearly all of said land is in Brazos River bottom, subject to overflow, heavily timbered, and with comparatively a small per cent in cultivation. We find that most, if not all, of these lands were purchased from parties who had been dealing with the Prison System for many years, and in several instances at prices which were far beyond the actual value of the land. In order that no injustice may be done anyone, we think it

fair to state that Commissioner Dulaney did not concur in the purchase of these lands, and insisted on the purchase of the Blue Ridge Farm instead.

26th. We find that the Jackson and the Darrington Farms, consisting of approximately 8,000 acres, purchased from Bassett Blakely in January and February, 1918, at a price ranging from \$40.00 to \$50.00 per acre, with a small portion of such land in cultivation and only a small per cent, if any, above overflow, and the part which is not in cultivation being expensive to put in cultivation, the evidence showing that it will cost from \$25.00 to \$75.00 per acre to put said land into cultivation; that Mr. Blakely appeared anxious to sell these lands at the price paid. That Commissioner Dulaney moved to buy the Blue Ridge Farm instead, but the majority of the Commission voted to buy the other farms, and the Governor approved the same.

27th. That at about the same time, the majority of the Commission, Mr. Dulaney voting against it, voted to purchase the Retrieve Farm from T. Martin (now deceased) and certified their action to the Governor for his approval and the same was approved by him. This farm consisted of near 8,000 acres, and the price paid was \$40.00 per acre for that not in cultivation, and \$50 per acre for that in cultivation, the total being approximately \$319,000.00. The mules and tools were bought at the same time for \$20,000.00, making a total of \$339,000.00. Nearly all of this land is overflow land. There were about 2,000 acres in cultivation and the greater part of the remainder is heavily timbered and has to be levied and drained at a great expense before it can be put in cultivation. This farm was sold to T. Martin by W. L. Hill for his clients, a few months prior to the time of the State's purchase, for the sum of \$150,000.00 including the mules, tools, etc., on said farm, in fact, the same property for which the State paid \$339,000.00. At the time of this purchase, and before the contract was completed, the Auditor of the Prison System wrote the Governor a letter, in which the facts relative to the former sale, and the exorbitant price being paid by

the State, were stated. Commissioner Dulaney insisted on purchasing the Blue Ridge Farm instead. Commissioners Pryor and Bickett swore that, in their judgment, the purchase of this farm, at the price paid therefor by the State, regardless of the amount it would cost to take care of it and put it in cultivation, was a better purchase than the Blue Ridge Farm consisting of about 6,000 acres situated 14 miles from Houston, above over-flow, with a pike road running within three miles of said farm, and with less than 20 acres of waste land on the entire tract, with 5,600 acres of the same under cultivation, with new and substantial improvements, at the price of \$50.00 per acre, would have been and that there was no other reason for their recommending the purchase of the Retrieve Farm than that they thought it a good purchase for the State. The Governor had other information to the effect that this land was probably not worth the amount the State was paying therefor, but testified that he made no investigation whatever, except to have Mr. T. Martin get parties to write him their opinion of the value of this land, and in which letters they said it was worth the money.

We can conceive of no reasonable manner in which Commissioners Pryor and Bickett could have reached the conclusion sworn to by them, knowing all of the conditions and circumstances surrounding each farm, and the profits made on the Blue Ridge Farm, as well as the losses sustained on the Retrieve Farm. And we are of further opinion that the Governor failed to make such investigation as he should have made, in view of the information furnished him, before purchasing the Retrieve Farm at such a price as was paid therefor. We are of the opinion that proper investigation should have been made, the Retrieve Farm should not have been purchased at such price, but that instead, the advice of Commissioner Dulaney should have been followed and the Blue Ridge Farm purchased.

28th. We find that the Commission has never, at any time, exercised the option of the State to pay money rent instead of a portion of

the crop, with the possible exception of 1912, in which year there was very little crop made, although by doing so, the State would have been benefitted hundreds of thousands of dollars. In the year 1918 alone, the difference was approximately \$117,000.00. The only excuse offered by the Commission for failing to exercise the option of the State to pay money rent is that it was their understanding that this option, tho expressed in the written contract, was never to have been taken advantage of by the State, and that part of the crop was to be paid each and every year. This information seems to have been obtained by them from those interested in getting the greatest amount of possible rents on said land. The contracts themselves, and other circumstances show, that this contention was not true. And we find that the Commission failed to do its duty to the State in failing to exercise its option to pay money rent instead of a part of the crop, when in their judgment it would have been more profitable to the State to pay the money rent, and that the excuse offered is an unreasonable excuse to be offered by the trustees of the State's property.

We find that Commissioner Winfrey insisted on exercising this option and paying money rent for the year 1918, but that Commissioners Pryor and Dulaney voted against exercising the option.

We further find that Governor W. P. Hobby demanded an explanation from the Commission as to the reason why they did not exercise this option and called their special attention to the loss sustained by the State because of their failure.

29th. We find that in the general management of the system, in the purchasing of over-flow lands at exorbitant prices, and in the failure of the Commission to exercise the State's option to pay money rent, that private individuals have greatly profited and the State has been the loser. And we find that for many years the State has been leasing unimproved lands, putting it into cultivation at great expense, paying rent thereon, and where purchase has been made, has bought the same at an advanced price, brought about by the labor of the convicts, thereby



enriching private individuals at the expense of the State Treasury.

30th. We recommend that no more such contracts be entered into by the Prison Commission, and that the officers of the State be more careful in looking after the interests of the State, regardless of the suggestion and influence of political and personal friends.

31st. We find that the parole law is very defective, in that there are no penalties for failure to make reports as required therein, and that the same has been abused, and the law preventing the leasing of convicts evaded, by taking advantage of the parole law, all of which we believe should be remedied. We find that convicts have been paroled many years ago, and that their whereabouts are unknown, and the presumption is, if they are still living, that they are in the penal servitude of those to whom they were paroled, or to others. The Governor and the Board of Pardons is making an effort to correct this evil, for which we commend them.

In order that this evil may be corrected and that these conditions may not again arise, we recommend an amendment to the parole law, to the effect that severe penalties be prescribed for failure to make reports as required therein, and that in addition to a report each month to the Prison Commission, a copy of the report shall also be filed by the party to whom the paroled convict is paroled, with the Board of Pardons, and that said report shall be on forms prescribed by the Board of Pardons, and that said Board may require reports and information in addition to the monthly report, at any time they deem necessary.

We further recommend that such law provide that no more than two individual and that these paroles be granted only to such convicts as are worthy of same, and for the purpose of permitting them to demonstrate their ability and intention to make responsible citizens, in order that they may be granted a full pardon.

32nd. From the facts presented put under the management of a practical business manager, who transactions connected therewith, and that the entire system should be

be constituted a Board of Directors that the Prison Commission should in this investigation, we conclude convicts shall be paroled to any one and that the law should be amended so as to much more specifically define the scope of authority, the policies and duties of the Prison Commission in order that responsibility for mistakes and inefficiency may not be shifted from one to another. We believe if the changes herein suggested, if enacted into law, will prevent a continuation of management at the suggestion of private parties who have greatly profited in their deals with this system and that such changes will have a great tendency to place this system on an independent and paying basis.

33rd. In conclusion, we beg to state that we have made diligent inquiry and called before us as witnesses all parties from whom we thought any information might be obtained in regard to any and all matters connected with the things herein reported. And we find no evidence of the payment of any money to any party for anything done in connection therewith, except the \$10,000.00 fee paid to Walter J. Crawford; but as hereinbefore stated, we find that the parties to whom and upon whom rested the responsibility of looking after the State's interests in connections with these transactions, permitted private individuals to control such matters to that extent that the private individuals were greatly benefitted and the State has been deprived of that which justly belonged to it.

We most respectfully submit this report and request that the same be approved and your committee discharged.

SUITER, Chairman.

PAGE.

On the part of the Senate.

FLY.

OSBORNE.

MARSHALL.

On the part of the House.

#### EIGHTH DAY

Senate Chamber,

Austin, Texas,

Tuesday, July 1st, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was